



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## BOOK REVIEWS.

A SELECTION OF CASES ON DOMESTIC RELATIONS AND THE LAW OF PERSONS. By Edwin H. Woodruff. Second Edition, Enlarged. New York: Baker, Voorhis & Company. 1905. pp. xviii, 624.

This edition of Professor Woodruff's book follows the same plan as the first, which was published in 1897. Two cases have been omitted from those of the earlier edition and twenty-two have been added, most of the latter having been decided since the publication of the first edition. The classification of the cases is unchanged, but the additions have resulted in the introduction of a few new headings.

Some notes have been added, but, like those of the first edition, they are very brief, and do not contain citations of authorities showing the various modifications of the general principle illustrated by the selected case. The book is not designed as a manual for the practitioner, and finds its proper place in the class-room.

To the class-room it is admirably adapted, the reviewer speaking from the experience of a teacher with the first edition. The classification is clear and helpful without unduly relieving the student from the independent thought and analysis which it is the purpose of the case system to foster. The cases are well chosen, in almost every instance illustrating the application of legal principles and not merely presenting a judicial essay on them with a collection of authorities. The cases which have been added in the second edition have been judiciously selected and add to the merit and usefulness of the book.

It is under the head of jurisdiction in divorce that the principal additions have been made. A thorough understanding of the limitations upon the extra-territorial effect of decrees of divorce entered by the courts of the several States is, of course, of prime importance, and in view of modern conditions this branch of the law deserves special attention. It is to be regretted that the decision of the Supreme Court of the United States in *Haddock v. Haddock* was handed down too late to be included in this volume. Though uniformity of divorce legislation throughout the States may be unattainable, an exact definition of the extent of the jurisdiction of the Courts of the several States over parties and subject matter is much to be desired, and this latest decision of the Federal Supreme Court in this branch of the law is worthy of special study.

A TREATISE ON THE LAW OF DOMESTIC RELATIONS. By Joseph R. Long. St. Paul: Keefe-Davidson Company. 1905. pp. xiv, 378.

This book is well named. It is strictly a work on domestic relations as distinguished from a work on persons. The appropriateness of its title rests upon the fact that more than three-fourths of the book is taken up with the law of husband and wife, and the whole subject of infants' disabilities is squeezed into about ten pages. The infant's capacity to

contract is put into one paragraph. The excuse for this last is that the subject of infants' contracts "is fully treated in the works on the law of contracts." The learned author might with equal truth have excused himself from the rest of his work on the ground that it was fully covered in Schouler on Domestic Relations, Bishop on Marriage and Divorce, and various articles in the American and English Encyclopædia of Law, all of which are frequently referred to in the foot notes in the volume under consideration. In fact one looks in vain here for any substantial contribution to the topics written about. We have neither an encyclopædic treatise covering fully the decisions and peculiarities of the law of all common law jurisdictions like Wigmore on Evidence, nor a microscopic examination of a peculiar and chosen difficulty, such as Gray's Rule against Perpetuities. Nor is Professor Long's book one which gives us the exact state of the law in any particular jurisdiction. For instance, the author's term of what is "cruelty" as a ground for divorce (§136) is utterly inadequate for a particular state like Illinois, where there are about fifty cases dealing with the matter, and where consequently the proper instruction to be given to the jury is only to be ascertained from a very patient and painstaking examination of the decisions.

As a text book for students generally this book seems open to objection to an extraordinary degree in failing to steer students toward and into the more or less insoluble problems of the law. Thus, the infants' liability for torts connected with contracts must be regarded as entirely inadequately stated. The author makes the test of liability (§198) whether the tort is essentially a breach of contract or not. This is no more than saying that sometimes the infant is liable and sometimes he is not. Thus nothing is solved and the student is left no better off than he was before. It is believed that a close consideration of typical cases would suggest a statement of the law of more practical and exact application: *i. e.*, that the infant is always liable for torts, even though they be connected with contracts except (1) where the act which is the basis of the tort is the same as that which makes the contract, as where the infant gives a false warranty of an article sold, *Gilson v. Spear* (1865) 38 Vt. 311; and (2) sometimes where the act which is a tort is also a breach of contract already entered into and the breach occurs, as the courts, very unsatisfactorily, it is submitted, say, where the infant is acting in the scope of the contract. *Freeman v. Boland* (1882) 14 R. I. 39. The learned author's treatment (§126) of married women's liability for torts connected with contracts seems equally unsuggestive.

An attempt to throw new light upon the difficult places in the law would, we think, have received ready recognition and enabled us to recommend to students using text books generally, the use of Professor Long's book. As it is, it is impossible to say that he presents any solutions of important legal problems in his subject. §§116 and 192 fail to note a possible distinction between what are necessities where the husband is to be charged and what are necessities where the infant is to be charged. In the former case the article is not a "necessary" unless it be not only suitable for the wife's maintenance but be actually purchased under such circumstances as make it necessary for the wife to pledge her husband's credit. *Hunt v. Hayes* (1891) 64 Vt. 89. In the case of an

infant, on the other hand, what he needs, so far as the thing itself is concerned without regard to what property he has or what ability he may have to pay for it, is a "necessary." *Burghart v. Hall* (1839) 4 M. & W. 727. What is said in §20 relative to the marriage of slaves seems to be wholly inadequate as an exposition of the law of the subject. (compare *Middleton v. Middleton* (1906) 221 Ill. 623). In §76 the learned author says that "tenancies by entireties are generally held not to be affected by the statutes abolishing survivorship among joint tenants and creating separate estates." This statement though, perhaps, literally correct, fails to indicate the important fact that the statutes giving married women their separate estates, much more frequently than the statutes relating to joint tenancy, have the effect of abolishing or modifying the common law rule regarding the creation of estate by entireties. *Lux v. Hoff* (1868) 47 Ill. 425; *Cooper v. Cooper* (1875) 76 Ill. 57; *Mittel v. Karl* (1890) 133 Ill. 65; *Walthal v. Goree* (1860) 36 Ala. 728.

If Professor Long's book is designed for a text book to be used by his particular students, and performs no other function, it is hardly a subject for the reviewer. Every teacher is at liberty to adapt his material in his own way for his own class. We see nothing that Professor Long has done in this direction which would interest the teachers of law in general, except as they might desire to find a book which would save them the trouble of putting together for their classes material equally inadequate.

POLITICAL INSTITUTIONS OF THE OLD WORLD. By Dr. Preissig. New York: G. P. Putnam's Sons. 1906. pp. ix, 719.

This title is very misleading; a far more accurate idea of the contents of the book may be gathered from the title page where the full title appears as "Notes on the History and Political Institutions of the Old World;" and the general character of the work has been accurately set forth by the author in his preface where he says, "No claim of originality is made for the contents of the following pages. They have grown out of a set of student's notes, compiled in preparation for an examination, and for this reason, and because of some technical difficulties, it has not been found possible to insert references."

"The peculiar value of this book," to quote from what appears to be the publishers' note, on the paper cover, "lies in the fact that it offers to students in a single volume an epitome of the two subjects named in the title, and makes this information accessible in a convenient and inexpensive form. The course of the histories of the various Old World countries and the development of their political institutions are placed side by side and followed from ancient times to the end of the nineteenth century. Special attention is given to the origins of the political organizations of European States."

It may well happen that occasions may arise which justify the publication of works wholly lacking in originality, but compilations of such a character demand at least the highest degree of accuracy, and excellence of style as well as arrangement of the subject matter, if they hope to lay claim to any merit; it may also happen that a student's notes, gathered in preparation for an examination, when enlarged and expanded, may